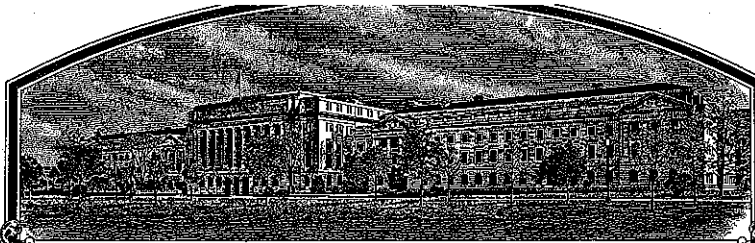


No.

200700329



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

*Seminis Vegetable Seeds, Inc.*

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE HERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

PEA

'XP 08520689'

*In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this ninth day of December, in the year two thousand and eight.*

*Attest:*

Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE  
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER <b>Seminis Vegetable Seeds, Inc.</b>		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME <b>XP 08520689</b>		3. VARIETY NAME <b>'XP 08520689'</b> <i>PER CORR. 11/3/08</i>	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) <b>2700 Camino del Sol Oxnard, CA 93030-7967</b>		5. TELEPHONE (include area code) <b>(805) 647-1572</b>		FOR OFFICIAL USE ONLY PVPO NUMBER <b>#200700329</b> FILING DATE <b>MAY 15 2007</b>	
		6. FAX (include area code) <b>(805) 918-2545</b>			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) <b>Corporation</b>		8. IF INCORPORATED, GIVE STATE OF INCORPORATION <b>California</b>		9. DATE OF INCORPORATION <b>4 June 1962</b>	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)				FILING AND EXAMINATION FEES: \$ <b>4,382.00</b> DATE <b>5/15/07</b> CERTIFICATION FEE: \$ <b>768.00</b> DATE <b>11/3/08</b>	
<b>Carol Miller</b> Seminis Vegetable Seeds, Inc. 37437 State Hwy 16 Woodland, CA 95695 <b>Marcel Bruins</b> Seminis Vegetable Seeds, Inc. P.O. Box 97, NL-6700 AB Wageningen, Netherlands					
11. TELEPHONE (include area code) <b>(530) 669-6274</b>		12. FAX (include area code) <b>(530) 669-6112</b>		13. E-MAIL <b>carol.l.miller@seminis.com</b>	
14. CROP KIND (Common Name) <b>Garden Pea</b>		16. FAMILY NAME (Botanical) <b>Leguminosae</b>		18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP <b>Pisum sativum L.</b>		17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no", go to item 23)	
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)				21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Exhibit F. Declaration Regarding Deposit g. <input checked="" type="checkbox"/> Voucher Sample (3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) h. <input checked="" type="checkbox"/> Filing and Examination Fee (\$4,382), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)				22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)				24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER <i>Carol Miller</i>			SIGNATURE OF OWNER		
NAME (Please print or type) <b>Carol L. Miller</b>			NAME (Please print or type)		
CAPACITY OR TITLE <b>PVP Specialist</b>		DATE <b>14-May-07</b>		CAPACITY OR TITLE	
				DATE	

(See reverse for instructions and information collection burden statement)

**GENERAL INSTRUCTIONS:** To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be **received** in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E, F; (3) for a tuber reproduced variety, verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; and (4) payment by credit card or check drawn on a U.S. bank for \$4,382 (\$518 filing fee and \$3,864 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice). **NEW:** With the application for a seed reproduced variety or by direct deposit soon after filing, the applicant must provide at least 3,000 viable untreated seeds of the variety *per se*, and for a hybrid variety at least 3,000 untreated seeds of each line necessary to reproduce the variety. Partial applications will be held in the PVPO for not more than 90 days; then returned to the applicant as un-filed. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a payment by credit card or check payable to "Treasurer of the United States" in the amount of \$768 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

**NOTES:** It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

**Plant Variety Protection Office**  
**Telephone:** (301) 504-5518 **FAX:** (301) 504-5291  
**General E-mail:** PVP@mail.usda.gov  
**Homepage:** <http://www.ams.usda.gov/science/pvpo/PVPindex.htm>

#### SPECIFIC INSTRUCTIONS:

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and **provide evidence** that the permanent name of the application variety (even if it is a parental, inbred line) has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: U.S. Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Programs, **Seed Regulatory and Testing Branch**, 801 Summit Crossing Place, Suite C, Gastonia, North Carolina 28054-2193 Telephone: (704) 810-8870. <http://www.ams.usda.gov/lsg/seed.htm>.

#### ITEM

- 19a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;  
 (2) the details of subsequent stages of selection and multiplication;  
 (3) evidence of uniformity and stability; and  
 (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:  
 (1) identify these varieties and state all differences objectively;  
 (2) attach replicated statistical data for characters expressed numerically and demonstrate that these are clear differences; and  
 (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

**22. CONTINUED FROM FRONT** (Please provide a statement as to the limitation and sequence of generations that may be certified.)

**23. CONTINUED FROM FRONT** (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

**24. CONTINUED FROM FRONT** (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

**U.S. Patent Ap.No. 11/746,056 Entitled "Pea Line 08520689" by David M. Webster filed on 08-May-07; NL PVP # ERW 1032 filed on 12-Apr-07**

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

## EXHIBIT A

### Origin and Breeding History of XP 08520689 Garden Pea

XP 08520689 is a small sieve medium dark green pea variety that is homozygous for two different alleles for wrinkled seed, *r* and *rb*, and that was developed at the Seminis Western Breeding Station (WBS), Filer, Idaho, by pedigree selection from a cross between two breeding lines of complex parentage: R93 196 as seed parent and R93 3596 as pollen parent.

R93 196 was developed by pedigree selection from a cross of the Syngenta variety Markado with a Seminis breeding line, Rally R2 x Dinos. RallyR2 was developed by backcrossing resistance to *Fusarium oxysporum* fsp *pisi*, race 2, from the U of Wisconsin release New Season into the Seminis variety Rally. Dinos is a Seminis variety.

R93 3596 was also homozygous for the same two alleles for wrinkled seed as XP 08520689 and was developed by pedigree selection from a cross of a breeding line, R90 2513, with the Seminis variety Alsweet III. R90 2513 had been selected from a cross of the breeding line, Rally R2 x Dinos, with the Clause variety Cepia.

The crossing and selections that led directly to XP 08520689 were made as follows:

- |          |   |
|----------|---|
| 12-13-93 | Planted R93 196 and R93 3596 in the greenhouse at WBS. Crosses made.  |
| 4-94     | Planted F1 in the field at WBS, allowed to self   |
| 4-5-95   | Planted F2 population in the field at WBS, selected individual plants in the field.   |
| 4-5-96   | Planted F3 in the field at WBS, selected individual plants.   |
| 4-8-97   | Planted F4 in the field at WBS, selected individual plants.   |
| 8-17-97  | Planted F5 in the greenhouse at WBS. Allowed to self pollinate.   |
| 12-12-97 | Planted F6 in the greenhouse at WBS. Allowed to self pollinate.   |
| 4-11-98  | Planted F7 line in the field at WBS under the number R98 4405. Observations during the growing season indicated the line was uniform and stable. All subsequent increases of XP 08520689 trace to the bulk of R98 4405. Observations during 1998 indicated the line was healthy and had a relatively short stiff plant with a good set of pods. |
| 4-3-00   | Space planted a stock of XP 08520689 in the field at WBS under the number RWL079. Harvested as 200 individual plant selections.   |
| 4-5-01   | Planted XP 08520689 as an increase of 200 progenies in the field at WBS under the number RWG084. Observations during the growing season confirmed XP 08520689 is uniform and stable, and all the progenies were harvested as one bulk.  |

Selection criteria in the field represent a balance of characteristics related to productivity and quality and to goodness to fit for market needs such as: normal foliage plants with good standing ability and stress tolerance, good yield potential, uniform green frozen berry color, and with consistently good taste and slow conversion of sugar to starch.

Observations during the (2) years of 1998 and 2001 confirm XP 08520689 is uniform and stable within commercially acceptable limits. As is true with other garden pea varieties, a small percentage of off-types can occur within commercially acceptable limits for almost any characteristic during the course of repeated multiplications. No variants are known to occur.

**EXHIBIT B****Novelty Statement Concerning XP 08520689 Garden Pea**

XP 08520689 is an full season, small sieve size, freezer pea with normal foliage. To our knowledge the variety most similar to 08520689 is Dinos.

The comparative characteristic that best distinguishes the two includes, but may not be limited to, shape of the pod tip: XP 08520689 has blunt pods, whereas those of Dinos are pointed.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 2.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705

Exhibit C

# OBJECTIVE DESCRIPTION OF VARIETY

Pea (*Pisum sativum* L.)

NAME OF APPLICANT (S) <b>Seminis Vegetable Seeds, Inc.</b>	TEMPORARY OR EXPERIMENTAL DESIGNATION <b>XP 08520689</b>	VARIETY NAME <b>XP 08520689</b> <i>PER CORN 11/3/08 Lab</i>
ADDRESS (Street and No. or RD No., City, State, Zip Code and Country) <b>2700 Camino del Sol Oxnard, CA 93030</b>		FOR OFFICIAL USE ONLY VPVO NUMBER <b>#200700329</b>

PLEASE READ ALL INSTRUCTIONS CAREFULLY: Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in the first box (e.g.,    or   ) when the number is either 99 or less or 9 or less respectively. Data for quantitative plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used: Royal Horticultural Society. Please answer all questions for your variety; lack of response may delay progress of your application.

## 1. TYPE:

1 = Garden 2 = Field 3 = Edible-podded 4 = Other (Specify) \_\_\_\_\_

## 2. MATURITY:

Node Number of First Bloom:    No. of Days Processing     Heat Units

No. of Days Earlier Than  } 1 = Alaska 2 = Thomas Laxton WR 3 = Little Marvel  
Days Same As  } 4 = Wando 5 = Alderman WR 6 = Australian Winter  
  No. of Days Later Than  } 7 = Other (Specify) \_\_\_\_\_

## 3. PLANT HEIGHT:

cm High  
  cm Shorter Than ☒ Name of Check Cultivar Bolero  
Same As ☐ Same as Check Cultivar \_\_\_\_\_  
  cm Taller Than ☐ Name of Check Cultivar \_\_\_\_\_

## 4. VINE:

Habit: 1 = Determinate 2 = Indeterminate  
 Branching: 1 = None (Alaska) 2 = 1-2 Branches (Little Marvel) 3 = More than 2 Branches (Dwarf Gray Sugar)  
 Internodes: 1 = Straight 2 = Zig Zag   Number of Nodes  
 Stockiness: 1 = Slim (Alaska) 2 = Medium (Thomas Laxton WR) 3 = Heavy (Alderman)

5

## 5. LEAFLETS:

- ☐3 Color: 1 = Light Green (Alaska WR) 2 = Medium Green (Thomas Laxton WR) 3 = Dark Green (Alderman)  
4 = Other (Specify) \_\_\_\_\_ 5 = Blue Green 6 = Yellow Green 0 = Not Applicable
- ☐2 Wax: 1 = None 2 = Light 3 = Medium 4 = Heavy 0 = Not Applicable
- ☐2 Molding: 1 = Not Marbled 2 = Marbled (Alaska) 0 = Not Applicable
- ☐3 Number of Leaflet Pairs: 1 = Not Paired 2 = One 3 = Two 4 = Three or More 0 = Not Applicable
- ☐3 Leaflet Type: 1 = Leafless 2 = Semi 3 = Normal

## 6. STIPULES:

- ☐2 1 = Lacking 2 = Present ☐2 1 = Not Clasping 2 = Clasping ☐2 1 = Not Marbled 2 = Marbled
- ☐3 Size (Compared with Leaflets): 1 = Smaller 2 = Same 3 = Larger 0 = Not Applicable
- ☐2 Color (Compared with Leaflets): 1 = Lighter 2 = Same 3 = Darker 0 = Not Applicable
- ☐3 Color: 1 = Light Green 2 = Medium Green 3 = Dark Green 4 = Blue Green 5 = Yellow Green 0 = Not Applicable

Color Chart Value: \_\_\_\_\_

Select the Color Chart Used to Determine the Values:

\_\_\_\_ Royal Horticulture Society Colour Chart

\_\_\_\_ Munsell Color Chart

\_\_\_\_ Other \_\_\_\_\_

- ☐2 Stipule Size: 1 = Small 2 = Medium 3 = Large

Please Provide Comparative Varieties (Check Varieties) and Stipule Color

Variety (1)

Variety (2)

Variety (3)

Variety Name: \_\_\_\_\_

Stipule Size: \_\_\_\_\_

Color: \_\_\_\_\_

Color Chart Value: \_\_\_\_\_

## 7. FLOWER COLOR:

- ☐2 Venation ☐1 Standard ☐1 Wing ☐1 Keel

1 = White 2 = Greenish 3 = Lavender 4 = Purple 5 = Red 6 = Other (Specify) \_\_\_\_\_

## 8. PODS:

- ☐2 Shape: 1 = Straight 2 = Slightly Curved 3 = Curved
- ☐2 End: 1 = Pointed (Alderman) 2 = Blunt (Alaska)
- ☐3 Color: 1 = Light Green (Alaska WR) 2 = Medium Green 3 = Dark Green (Alderman)  
4 = Other (Specify) \_\_\_\_\_ 5 = Blue 6 = Purple 7 = Yellow
- ☐2 Surface: 1 = Smooth 2 = Rough ☐2 Surface: 1 = Shiny 2 = Dull
- ☐4 Borne: 1 = Single 2 = Double 3 = Single and Double 4 = Single, Double & Triple 5 = Double & Triple  
6 = Triple 7 = Other (Specify) \_\_\_\_\_ 8 = Quad, Single, Double, Triple 9 = Quad
- ☐6.7 cm Length ☐1.0 mm Width (Between Sutures) ☐09 No. Seeds Per Pod

## 9. SEEDS: (95-100 Tenderometer)

- ☐2 Color: 1 = Light Green 2 = Green 3 = Dark Green 4 = Other (Specify) \_\_\_\_\_  
5 = Yellow 6 = Brown 7 = Yellow Green

	1	2	3	4	5	6	7	8	Average
Seive: %	27	36	31	06	00	00	00	00	2.16

**9. SEEDS: (cont.) (Dry-Mature)**

- ☒ Shape: 1 = Flattened 2 = Angular 3 = Oval 4 = Rounded
- ☒ Surface: 1 = Smooth 2 = Dimpled 3 = Wrinkled ☒ Luster: 1 = Shiny 2 = Dull
- ☒ Color Pattern: 1 = Monocolor 2 = Mottled 3 = Striped 4 = Dotted
- ☒ Primary Color: } 1 = Creamy White 2 = Cream & Green 3 = Light Green 4 = Medium Green  
☐ Secondary Color: } 5 = Dark Green 6 = Blue Green 7 = Yellow 8 = Brown  
 9 = Red 10 = Gray 11 = Black 12 = Salmon  
 13 = Purple 14 = Tan 15 = White 16 = Pink  
 17 = Yellow Green
- ☒ Hilum Color: 1 = White 2 = Tan 3 = Black
- ☒ Cotyledon Color: 1 = Green 2 = Yellow 3 = Orange 4 = Cream
- ☒ Grams per 100 Seeds

**10. DISEASE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant, 3 = Moderately Resistant, 4 = Moderately Susceptible, 5 = Tolerant)**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Fusarium Wilt – Race 1 | <input checked="" type="checkbox"/> Fusarium Wilt (Near Wilt) – Race 2 |
| <input checked="" type="checkbox"/> Ascochyta Blight       | <input checked="" type="checkbox"/> Common Mosaic                      |
| <input checked="" type="checkbox"/> Bacterial Blight       | <input checked="" type="checkbox"/> Pea Enation Mosaic Virus           |
| <input checked="" type="checkbox"/> Downy Mildew           | <input checked="" type="checkbox"/> Seedborne Mosaic Virus             |
| <input checked="" type="checkbox"/> Powdery Mildew         | <input checked="" type="checkbox"/> Yellow Bean Mosaic Virus           |
| <input type="checkbox"/> Other (Specify) <u>N/A</u>        | <input checked="" type="checkbox"/> Leaf Roll Virus                    |
| <input type="checkbox"/> Other (Specify) <u>N/A</u>        | <input type="checkbox"/> Other (Specify) <u>N/A</u>                    |

**11. INSECT: (0 = Not Tested, 1 = Susceptible, 2 = Resistant, 3 = Moderately Resistant, 4 = Moderately Susceptible, 5 = Tolerant)**

- ☒ Aphids ☐ Other (Specify) N/A

**12. Additional information on any item above, or general comments that may aid in identification:**



U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

**EXHIBIT E  
STATEMENT OF THE BASIS OF OWNERSHIP**

1. NAME OF APPLICANT(S)  Seminis Vegetable Seeds, Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER  XP 08520689	3. VARIETY NAME  XP 08520689 <i>PER CORR 11/3/08 ZML</i>
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country)  2700 Camino del Sol Oxnard, California 93030	5. TELEPHONE (Include area code)  (805) 647-1572	6. FAX (Include area code)  (805) 918-2545
7. PVPO NUMBER		#200700329

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. ☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☒ YES ☐ NO

10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

The variety named in this application was developed by the Seminis Vegetable Seeds, Inc., employee (breeder) identified below. By agreement between the employee and Seminis Vegetable Seeds, Inc., all rights to any invention, discovery, or development made by an employee are assigned to the Company. No rights to such an invention, discovery, or development are retained by the employee.

Employee (Breeder): David Webster

Site Location: Filer, ID

**PLEASE NOTE:**

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

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U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705

EXHIBIT F  
DECLARATION REGARDING DEPOSIT

NAME OF OWNER (S)  Seminis Vegetable Seeds, Inc.	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country)  2700 Camino del Sol Oxnard, CA 93030	TEMPORARY OR EXPERIMENTAL DESIGNATION  XP 08520689  VARIETY NAME XP 08520689 <i>PER CORR 11/1/08 LAL</i>
NAME OF OWNER REPRESENTATIVE (S)  Carol L. Miller	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country)  2700 Camino del Sol 37437 State Highway 16 Oxnard, CA 93030 Woodland, CA 95695	FOR OFFICIAL USE ONLY  PVPO NUMBER #200700329

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Carol L. Miller  
Signature

14-May-07  
Date